

### **REMARKS**

The Applicants appreciate the Examiner's consideration of the present Application. In the Office Action, claims 1, 8, 11, 14, and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Joyal (U.S. Patent No. 4,984,746). Additionally, claims 7, 10 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Joyal in view of Unger (U.S. Patent No. 4,580,726). Further, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Joyal in view of Lawrence (U.S. Patent No. 6,131,831), claims 12, 13, 16, 17, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Joyal, and claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Joyal in view of McIntosh (GB-1,348,880). Additionally, claims 2-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Joyal in view of Chan et al. (U.S. Patent No. 5,707,014).

In response to the Office action, the Applicants have amended the claims of the present Application as shown above. In view of these amendments, and/or in view of the discussion provided below, the Applicants respectfully submit that all of the claims are allowable.

### **Amendments to and Allowability of Independent Claim 1 & Claims Depending Therefrom**

As shown above, the Applicants have amended claim 1 to state that the handle of the apparatus extends toward the base "substantially along a first plane", and that an axis along which the nozzles are spaced apart is substantially perpendicular to the first plane. This new language in claim 1 is intended to clarify that the handle that extends toward/away from the base can extend in a direction that is largely parallel to the ground (or other support surface) and/or extend toward/away from the base in a manner that is inclined relative to the ground. Regardless of the particular embodiment, however, the axis along which are distributed the nozzles is substantially perpendicular to the plane of the handle. Thus, if the handle can be considered as extending along a generally "front-to-back" direction, with possibly an additional inclined component as well, the nozzles are generally arranged in a "side-to-side" manner that is generally perpendicular to the front-to-back direction.

Given these clarifications, the Applicants submit that independent claim 1 is allowable under 35 U.S.C. §102(b) in view of Joyal since Joyal fails to disclose each limitation recited in

amended claim 1. In particular, as best as the Applicants can determine, Joyal fails to disclose a set of nozzles spaced apart along an axis that is substantially perpendicular to a plane along which a handle extends toward a base. Rather, as shown in each of FIGS. 1-3 of Joyal, Joyal instead shows nozzles that are spaced apart along an axis that is substantially parallel (or within) the plane along which the handle extends toward/away from the base. More particularly, Joyal shows nozzles that are distributed along a center axis of a T-shaped base, and further shows that the handle coupled to the base extends outward from the base in an inclined manner that is within the same plane as the center axis of the T-shaped base.

Therefore, for at least the aforementioned reasons, the Applicants submit that independent claim 1 as amended is allowable under 35 U.S.C. §102(b) in view of Joyal. Further, the Applicants submit that each of claims 2-15 depending from claim 1 also are allowable for at least these reasons.

#### **Allowability of Independent Claim 16 & Claims Depending Therefrom**

Notwithstanding the discussion provided in the Office action, the Applicants respectfully submit that claim 16 is allowable under 35 U.S.C. § 103(a) in view of Joyal, for several reasons.

First, similar to claim 1 as amended, claim 16 recites that at least two orifices on a base are spaced apart from one another along a side-to-side axis while a handle coupled to the base extends away from the base along a generally front-to-back axis. In contrast to this language, Joyal discloses nozzles that are aligned along an axis that is within the same plane along which a handle extends, and Joyal fails to teach nozzles that are distributed along an axis that is substantially perpendicular to the axis along which extends a handle. Consequently, Joyal completely lacks any teaching of the combination of multiple nozzles spaced apart along a side-to-side axis and a handle extending along a front-to-back axis. Nor does Joyal provide any suggestion to modify its teachings to arrive at such an arrangement.

Second, as best as the Applicants can determine, Joyal consistently teaches apparatuses having one or two steerable wheels, and completely fails to disclose any embodiment having three or more freely-swiveling wheels. Further, on page 6 of the Office action it is stated that "[i]t would have been obvious at the time applicant invented the claimed apparatus to replace wheels which are freely-swiveling instead of steerable wheels as disclosed by Joyal", the

Applicants respectfully disagree. More particularly, the Applicants submit that it would have not been obvious to one of ordinary skill to substitute the steerable wheels of Joyal with freely-swiveling wheels because the disclosure of steerable wheels within Joyal serves to teach against the use of freely-swiveling wheels, and thus Joyal completely lacks any suggestion to modify its own teaching to arrive at an apparatus employing three or more freely-swiveling wheels.

As shown in FIG. 2, and as described in corresponding discussion relating to that figure and the other figures (including discussion in col. 4, lines 9-11 regarding the alternate embodiment shown in FIG. 4), Joyal consistently teaches the use of steerable wheels to provide control over the positioning of the undercarriage sprayer. The use of steerable wheels is intentional—indeed, as stated in the Specification, “[t]he steering function allows for convenient positioning of the nozzles at any desired location” (col. 2, lines 5-6). For at least these reasons, therefore, the Applicants submit that Joyal must be reasonably interpreted as strictly teaching undercarriage sprayers that employ steered wheels.

In contrast to Joyal, the Applicants’ claim 16 invention requires three or more freely-swiveling wheels. The Applicants’ invention employs freely-swiveling wheels because the use of such wheels provides the user with maximum flexibility in terms of controlling the positioning of the vehicle underbody washing apparatus. More particularly, because the apparatus is relatively light-weight, it is desirable to allow a user to have the opportunity to move the apparatus quickly in any direction (e.g., frontwards, backwards, sideways, diagonally, etc.). By using freely-swiveling wheels, there is never any restriction on the movement of the apparatus that is imposed because certain wheels are unable to accommodate such movement.

The Applicants submit that the steerable wheels of Joyal do not in fact provide the flexibility of movement that is allowed by the Applicants’ freely-swiveling wheels. In particular, at any given time, the non-swiveling wheels shown in Joyal (e.g., the wheels 52) prevent easy movement of the base of the apparatus in directions that are parallel to the axes of rotation of those wheels. Thus, because Joyal teaches the use of steered wheels that allow for enhanced control over positioning of its undercarriage sprayer, Joyal also consequently teaches not to use freely-swiveling wheels, since the use of freely-swiveling wheels serves a different purpose (flexibility of movement) than the use of steered wheels (control over movement). Thus, the

Applicants respectfully submit that Joyal lacks a suggestion to modify its disclosure to arrive the Applicants' claim 16 invention with its three or more freely-swiveling wheels.

For at least these reasons, therefore, the Applicants respectfully submit that independent claim 16 is allowable under 35 U.S.C. § 103(a) in view of Joyal. Further, the Applicants respectfully submit that dependent claims 17-19 are allowable for at least these reasons as well.

#### **Allowability of Independent Claim 20**

Additionally, notwithstanding the comments provided in the Office action relating to independent claim 20, the Applicants respectfully traverse the rejection of that claim under 35 U.S.C. § 103(a) in view of Joyal and Unger. In particular, the Applicants submit that Joyal and Unger fail to disclose all of the limitations of claim 20, and lack any suggestion that the two references be modified or combined to arrive at the Applicants' claimed invention.

Independent claim 20 includes the step of "providing an underbody cleaning device having a base stably supported upon at least three freely-swiveling wheels . . . ." Thus, like claim 16, claim 20 requires at least three freely-swiveling wheels that support the base of the apparatus in a stable manner. In contrast to claim 20, and as discussed above with respect to claim 16, Joyal consistently teaches the use of steerable wheels to provide control over the positioning of the undercarriage sprayer, and fails to teach an undercarriage sprayer having three or more freely-swiveling wheels. Joyal also does not provide any suggestion to modify its teachings to arrive at an embodiment with three or more freely-swiveling wheels.

Additionally, although Unger shows a different device than those shown in Joyal, Unger likewise fails to disclose three or more freely-swiveling wheels as recited in independent claim 20, and fails to provide any suggestion to modify its teachings to arrive at the Applicants' claim 20 invention. As shown in FIG. 1, Unger specifically shows an apparatus that employs exactly two caster wheels 46, and not more than two caster wheels. Further, Unger fails to provide any suggestion to use more than two caster wheels, but instead provides a rationale for using exactly two caster wheels. As stated in the Specification at col. 2, lines 44-47, "[p]ressing the forward end of the handle down can tip the body and spray more towards the rear, and lifting and forward end of the handle can tip the body and the spray head more towards the front." Therefore,

exactly two caster wheels are intentionally employed so as to allow for changing of the pitch of the apparatus, and consequent reorientation of the spray nozzles.

Further, each of Joyal and Unger lacks any suggestion that the two references be combined with one another to arrive at the Applicants' claim 20 invention. Indeed, each of Joyal and Unger is directed to a respective type of device that is both inconsistent with regard to the other's respective type of device and with respect to the Applicants' claim 20 invention, and thus Joyal and Unger are not properly combinable to arrive at the Applicants' invention. As discussed above, the Applicants' invention employs freely-swiveling wheels because the use of such wheels provides the user with maximum flexibility in terms of controlling the positioning of the underbody washing apparatus. At the same time, the Applicants' invention employs three or more wheels to make sure that the base of the Applicants' invention is stably supported upon the ground over which the apparatus is traveling.

In relation to these attributes of the Applicants' claim 20 invention, the teachings in Joyal and Unger are inconsistent with one another such that those references are not properly combinable. More particularly, it is inappropriate to combine Joyal with Unger at least insofar as Joyal requires steerable wheels, since steerable wheels are inconsistent with the operation and advantages of Unger's design. That is, Joyal's steerable wheels do not provide the same flexibility of movement that is provided by the swivel-type casters of Unger, which "make the device easy to move about as a lawn sprinkler" (col. 3, lines 21-22). At the same time, it is also inappropriate to combine Unger with Joyal at least insofar as Unger shows a device in which the pitch of the device is rotatable about the two caster wheels. In contrast to this feature, Joyal specifically employs 3 wheels so that there is provided "a three point wheel support for the frame 30" (col. 3, lines 8-9).

In conclusion, Joyal and Unger fail to disclose "providing an underbody cleaning device having a base stably supported upon at least three freely-swiveling wheels" as recited in the Applicants' claim 20, fail to provide any suggestion that the references be modified to arrive at these features, and also fail to provide (and indeed are inconsistent with) any suggestion that references be combined to arrive these features. For at least these reasons, therefore, the Applicants submit that independent claim 20 is allowable under 35 U.S.C. § 103(a) in view of Joyal and Unger, alone or in combination.

**Additional Reasons for the Allowability of Certain Dependent Claims**

In addition to the reasons set forth, the Applicants further submit that claims 2 and 18 are allowable under 35 U.S.C. § 103(a) in view of Joyal or the combination of Joyal and Chan et al. Dependent claims 2 and 18 in particular recite that the base of the apparatus is I-shaped or has an I-shaped component. Further, while the Office action contends on page 7 that Chan et al. discloses a torso having a central axis bar and two cross-bars (and thus, presumably, that Chan et al. shows an I-shaped base) and on page 6 that an I-shaped component is merely a matter of aesthetic design choice that would “look good”, the Applicant respectfully disagrees with each of these conclusions.

With respect to Chan et al., notwithstanding the comments in the Office action, the Applicant simply cannot find any base or similar component within Chan that is I-shaped. At best, Chan et al. appears to show a base having a T-shaped design, where wheels are connected to ends of the cross-bar of the T and also at its base. The Applicant requests that the Examiner more particularly indicate what in Chan et al. constitutes an I-shaped base. As for an I-shaped base being a matter of aesthetics, the Applicants respectfully disagree with this contention and respectfully request that the Examiner provide further support for this contention.

Indeed, rather than merely being an aesthetic choice, the Applicants submit that the I-shaped base does serve a significant functional purpose. In this regard, the Applicants direct the Examiner's attention to paragraph 0025 of the present Application, at which it states “[f]urther as shown in FIG. 1, the four casters 45 each are positioned at respective ends 42 of end cross-bars 44 of the I-shaped torso 40. By using four casters 45 in this manner, the base 15 is highly stable, and the fluid emanating from the nozzles 50 is sprayed in a consistent manner regardless of movements of the base 15.” Thus, the I-shape of the base recited in claims 2 and 18 serves an important functional purpose, namely, that of providing stability and consistency of operation. This is particularly significant in at least some pressure washing embodiments that utilize “high pressures, such as 1800-psi”, as discussed in paragraph 0026 of the present Application.

Thus, for at least these additional reasons, the Applicants submit that dependent claims 2 and 18, as well as additional claims 3-6 and 19 depending from those claims, are allowable under 35 U.S.C. § 103(a) in view of either Joyal or Joyal and Chan et al. in combination.

**Conclusion**

Given the Applicants' Amendments and Remarks, the Applicants respectfully request reconsideration and allowance of the present Application.

The Applicants wish to invite the Examiner to telephone the Applicants' attorney at the number listed below if discussion with the Applicants' attorney would be of assistance to the Examiner or further the prosecution of the present Application.

A one-month extension of time fee of \$120 is believed to be due for the filing of this Amendment and Response, and a corresponding petition and fee are being submitted herewith. If any additional fee is due, please charge such fee to Deposit Account Number 23-2053. Any required petition should be considered provisionally made.

Respectfully submitted,



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